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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CS(OS) 42/2024**

**M/S KAUSHALYA PREM BHATIA TRUST AND ORS**

..... Plaintiffs

Through: Ms. Samvartika Pathak, Advocate.

versus

**RAJINDER MEHTO**

..... Defendant

Through:

**CORAM:**

**HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI**

**ORDER**

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**06.02.2024**

**I.A. 2780/2024 (exemption from filing of apostilled affidavit)**

Exemption granted, subject to just exceptions.

Let requisite compliances be made within 01 week.

Application stands disposed-of.

**I.A. 2779/2024**

By way of the present application filed under Order XXXIX Rule 2A of the Code of Civil Procedure 1908, the plaintiffs seek action against the defendant for alleged violation of order dated 25.11.2021 passed by the court (then the court of the learned Civil Judge, Saket), alleging that in breach of the said order the defendant has undertaken unauthorized construction in the property bearing No. H-32, First Floor and above, Green Park Extension, New Delhi. The



plaintiffs also allege that the defendant is in the process of selling the unauthorised construction so made to a third-party.

2. It is noticed that though *vide* order dated 25.11.2021 there was no specific restraint on undertaking any construction, the court had restrained the defendant from creating any third-party interests in the suit property.
3. Issue notice.
4. Upon the plaintiffs taking steps, let notice be sent to the defendant by all permissible modes, returnable for the next date.
5. Let the notice indicate that reply to the application be filed within 03 weeks of service; rejoinder thereto, if any, be filed within 02 weeks thereafter; with copies to the opposing counsel.
6. Re-notify on 26<sup>th</sup> April 2024.
7. In the meantime therefore, the defendant is cautioned against any breach of order dated 25.11.2021; with a further direction that anything done in breach of the said order would not create any equities in favour of the defendant.

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8. The date of 06.03.2024 before the learned Joint Registrar shall stand as-is.

**ANUP JAIRAM BHAMBHANI, J**

**FEBRUARY 6, 2024**  
V.Rawat